

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants

Civil Action No. 3:17-01362  
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665  
Hon David A. Faber

**DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES**

Pursuant to Rules 33, 34, and 37 of the Federal Rules of Civil Procedure, Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, "Defendants"), by counsel, hereby move for an order compelling Plaintiffs City of Huntington and Cabell County Commission to produce promptly certain custodial records so that Defendants can propound fact discovery needed to defend themselves in this matter. Defendants' motion should be granted for the reasons set forth in the accompanying memorandum of law, which is incorporated herein. Pursuant to LR Civ P 7.1(a), copies of all documents, affidavits, and other such materials or exhibits referenced in the memorandum and upon which this motion relies are attached to the supporting memorandum incorporated herein.

Defendants further certify that they have conferred with counsel for the Plaintiffs in an effort to resolve the subject discovery dispute without court intervention.

April 6, 2020

**DEFENDANTS**

**AmerisourceBergen Drug Corporation**

By Counsel:

/s/ Gretchen M. Callas

Gretchen M. Callas (WVSB #7136)

JACKSON KELLY PLLC

Post Office Box 553

Charleston, West Virginia 25322

Tel: (304) 340-1000

Fax: (304) 340-1050

gcallas@jacksonkelly.com

/s/ Robert S. Nicholas

Robert A. Nicholas

Shannon E. McClure

REED SMITH, LLP

Three Logan Square

1717 Arch Street, Suite 3100

Philadelphia, PA 19103

Tel: (215) 851-8100

Fax: (215) 851-1420

rnicholas@reedsmith.com

smcclure@reedsmith.com

**Cardinal Health, Inc.**

By Counsel:

/s/ Steven R. Ruby

Brian A. Glasser (WVSB #6597)

Steven R. Ruby (WVSB #10752)

Raymond S. Franks II (WVSB #6523)

BAILEY GLASSER LLP

209 Capitol Street

Charleston, West Virginia 25301

Tel: (304) 345-6555

Fax: (304) 342-1110

*Counsel in Cabell County action*

/s/ Enu Mainigi

Enu Mainigi  
F. Lane Heard  
Ashley W. Hardin  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street NW  
Washington, DC 20005  
emainigi@wc.com  
lheard@wc.com  
ahardin@wc.com

**McKesson Corporation**

By Counsel:

/s/ Jeffrey M. Wakefield

Jeffrey M. Wakefield (WVSB #3894)  
jwakefield@flahertylegal.com  
Jason L. Holliday (WVSB #12749)  
jholliday@flahertylegal.com  
FLAHERTY SENSABAUGH BONASSO PLLC  
P.O. Box. 3843  
Charleston, WV 25338-3843  
Telephone: (304) 345-0200

/s/ Timothy C. Hester

Timothy C. Hester t  
Mark H. Lynch  
Christian J. Pistilli  
Laura Flahive Wu  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001  
Tel: (202) 662-5324  
thester@cov.com  
mlynch@cov.com  
cpistilli@cov.com  
lflahivewu@cov.com

/s/ Carol Dan Browning

Carol Dan Browning  
Stites & Harbison, PLLC  
400 West Market Street  
Suite 1800  
Louisville, Kentucky 40202  
Tel: (502) 587-3400  
Fax: (502) 587-6391  
cbrowning@stites.com

*Counsel for McKesson Corporation*

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on this 6<sup>th</sup> day of April, 2020, the foregoing “Defendants’ Motion to Compel Discovery Responses” was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Gretchen M. Callas  
Gretchen M. Callas (WVSB #7136)